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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,988	01/19/2002	Philip G. Chauvet		5169

7590 10/08/2002

Philip Chauvet  
6644 Rippling Brook Dr., S.E.  
Salem, OR 97301

EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/053,988

Applicant(s)

CHAUVET ET AL

Examiner

M. Chambers

Art Unit

3711



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 19, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

This Office Action is a response to the Application filed on:

Number	Name	Date	Claims	Independent Claims
10/053988	Chauvet et al	1/19/02	14	1

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 5, 8, are rejected under 35 U.S.C. 102(b) as being anticipated by DIY .DIY discloses an inflatable goal, a round tubular center ring with 4 tubular uprights (figure B).

As to claim 2: DIY discloses a round tubular center ring with tubular uprights (figure B).

As to claim 5: DIY discloses a free standing upright hoop (figure B).

As to claim 8: DIY discloses a goal capable of floating on water (figure B).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11 are rejected under 35 U.S.C. 103(a) as obvious over DIY in view of Official Notice. DIY does not disclose the use of a net. Nets are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed a net with the device of DIY in order for the players to more easily see and shoot at the goal.

Claims 4, 6,7,9,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DIY in view of Caruso. DIY discloses the elements in claim 5. However DIY fails to clearly disclose an

outer casing. Caruso discloses an outer casing (14 ). It would have been obvious to one of ordinary skill in the art to have employed the casing of Caruso with the apparatus of DIY in order to better protect the inflatable goal.

As to claim 6: Caruso discloses a plurality of bladders (3:14).

As to claim 7: No criticality is seen in the slots. One of ordinary skill in the art would have selected any one of several equivalent means for allowing insertion of the framework.

As to claim 9, 10: Caruso discloses a casing formed of non-elastic material (2:33-34).

2. Claim 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DIY in view of Johnson. DIY discloses the elements in claim 12. However DIY fails to clearly disclose flaps for anchoring the sport's goal. Johnson discloses flaps for anchoring the sport's goal (28). It would have been obvious to one of ordinary skill in the art to have employed the flaps of Johnson with the apparatus of DIY in order to better secure the inflatable goal.

Claim 13 is rejected under 35 U.S.C. 103(a) as obvious over DIY in view of Official Notice. DIY does not clearly disclose the use of ballast. The use of sand/water ballast is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed ballast with the device of DIY in order prevent the goal from being blown away.

Claim 14 is rejected under 35 U.S.C. 103(a) as obvious over DIY in view of Official Notice. DIY does not clearly disclose the use of a valve means. Valves are well known in the

art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed valve means with the device of DIY in order easily move the device.

It would appear that this application contains patentable subject matter. If a suitably specific claim containing a number of specifically recited features co-operating together were submitted or if the pro-se requested the examiner formulate an appropriate claim, the application would be viewed favorably.

### ***Conclusion***

The prior art made of record and relied upon.


Patent Number	Date	Patent Name	Notes
5546707	8/20/96	Caruso	
5865693	2/2/99	Johnson	
NPL	12/99	DIA	<a href="http://www3.diy.net.com/DIY/article/0,2058,3485,00.html">http://www3.diy.net.com/DIY/article/0,2058,3485,00.html</a>

***NOTE: 1) If Applicant believes they have not received all of the cited references noted in this office action, they should call the examiner listed below within one (1) week of receiving this notice in order to obtain duplicate material and reset the time frame of this office action. If the applicant fails to request additional materials in a timely manner, the requested materials will be resent, but the applicant will have to obtain a time extension in the normal fashion.***

***2) Unless claims are noted on the office action summary page and this document as allowable, all claims are rejected. If a typing error creates a some confusion, the examiner apologizes for the error and requests the examiner be contacted to resolve the question.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chambers whose telephone number is (703) 306-5516. The examiner can normally be reached on Mon.-Fri. from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302--After final fax number-- (703) 872-9303. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1078.

  
Paul A. Sewell  
Supervisory Patent Examiner  
Group 170